

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

IN RE:  
BRIMONIDINE PATENT LITIGATION

C.A. 07-md-01866 GMS

**NOTICE OF DEPOSITION OF DEFENDANT PHARMAFORCE, INC. PURSUANT TO  
FEDERAL RULE OF CIVIL PROCEDURE 30(b)(6)**

**PLEASE TAKE NOTICE** that, pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure, Plaintiff Allergan Inc. ("Plaintiff") by its counsel, will take the deposition of Defendant PharmaForce, Inc. ("Defendant") at the offices of Fish & Richardson P.C., 919 N. Market Street, Suite 1100, Wilmington, Delaware 19899, commencing at 9:00 a.m. on May 30, 2008, or at such other place and time as may be agreed upon by counsel. The deposition will continue from day to day until completed. Some or all of the deposition testimony may be recorded by stenographic, audio, audiovisual, video, and/or real-time computer means.

The subject matters of the deposition are enclosed herein. Pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure, Defendant is obligated to designate one or more officers, directors, managing agents, or other persons who consent to testify on its behalf concerning the matters set forth in the attached Appendix. Plaintiff requests that Defendant provide, on or before May 21, 2008, a written designation of the names and positions of the officers, directors, or other persons who are most competent to testify concerning the topics set forth below, and for each person designated, the matters on which he or she will testify.

## **DEFINITIONS**

The definitions set forth in Plaintiff's First Set of Interrogatories shall apply as if fully set forth herein.

### **RULE 30(b)(6) TOPICS FOR DEPOSITION**

1. Defendant's organizational structure.
2. Defendant's corporate structure.
3. Defendant's relationship to and interactions with the other defendants in this lawsuit.
4. Defendant's role in the development of the proposed brimonidine product.
5. The formulation of Defendant's proposed brimonidine product.
6. The development of Defendant's proposed brimonidine product.
7. The intended use of Defendant's proposed brimonidine product.
8. All testing of Defendant's proposed brimonidine product, or any formulations employed in the development of Defendant's proposed brimonidine product, or any components of Defendant's proposed brimonidine product.
9. Defendant's ANDA No. 78-590.
10. Defendant's interactions with the FDA regarding Defendant's proposed brimonidine product, ANDA No. 78-590 and/or Allergan's ALPHAGAN 0.15% product, including all communications with the FDA regarding ANDA No. 78-590 and/or Allergan's ALPHAGAN P 0.15% product.
11. Any Clinical Trials for ANDA No. 78-590 or defendant's proposed brimonidine product.
12. Any Bioequivalence and/or bioavailability Testing for ANDA No. 78-590 or defendant's proposed brimonidine product.

13. The alleged therapeutic equivalence of defendant's proposed brimonidine product to Allergan's ALPHAGAN P 0.15%.

14. Each ingredient in Defendant's proposed brimonidine product, its function(s) in the formulation and the reasons(s) why such ingredient included in the formulation.

15. All testing of Allergan's ALPHAGAN products.

16. The differences between Defendant's proposed brimonidine product and Allergan's ALPHAGAN P .15%.

17. When Defendant became aware of U.S. Patent No. 6,641,834 ("the '834 patent").

18. Defendant's knowledge of the '834 patent.

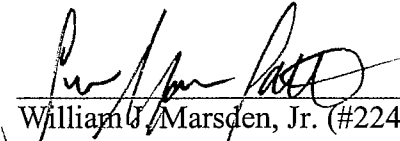
19. Defendant's experience with and/or knowledge of the ophthalmic industry.

20. Defendant's business reasons for developing and filing ANDA No. 78-590.

21. Defendant's interactions with doctors and/or healthcare professionals with regard to the proposed brimonidine product or potential brimonidine based ophthalmic products.

Dated: May 5, 2008

FISH & RICHARDSON P.C.

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**CERTIFICATE OF SERVICE**

I hereby certify that on May 5, 2008, I electronically filed with the Clerk of Court the NOTICE OF DEPOSITION OF DEFENDANT PHARMAFORCE, INC. PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 30(b)(6) using CM/ECF which will send electronic notification of such filing(s) to the following counsel.

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